

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

APPLETON PAPERS INC. and NCR CORP.,

Plaintiffs,

v.

Case No. 08-C-16

GEORGE A. WHITING PAPER CO., et al.,

Defendants.

ORDER

Defendant the City of Appleton has asked the Court to clarify the status of its counterclaim in light of the Plaintiffs' apparent belief that no counterclaim was filed. The City had pled counterclaims in response to previous amended complaints, but it did not do so after further amendments failed to change the allegations against the City. The City was under no obligation to file a new counterclaim, however, and so the counterclaim filed in response to the Fifth Amended Complaint remains "live."

SO ORDERED this 17th day of February, 2010.

s/ William C. Griesbach
William C. Griesbach
United States District Judge